

The regular meeting of the Town Assembly of the Village of Arden was convened at 7:30 PM on March 23, 1987, Chairman William Press presiding.

In attendance were:

Beatrice Jaffe	Temma Tanzer	Larry Walker
Cosette Morley	Lee Starr	Michael Curtis
Sally Hamburger	Barbara Fenske	Yvonne King
Woodrow Vandever	Patricia Press	A. Barnes King
Steve Tanzer	Donald Holcomb	John Demsey
Skip Salkeld	Ruth Holcomb	Naomi Clark
Lanier Colgan	Steven Threefoot	Dane Miller
Joan Ware Colgan	Kate Threefoot	Paul Thompson
Rae F. Gerstine	Linda Jobson	Tim Colgan
Shaul Gladstone	Bill Bailey	Elizabeth Varley Walker
Eugene Shaw	Sally Thurston	Jim Badner
Frank Young	Mary Orr	Bill Press
Betty Knott	Bob Wynn (NV)	William Theis
Marge Roberts	Connee Wright McKinney	Harvey Neal
Tony Colgan	Susan Rohrbach	William Weible
Pat Pyle	Anne Berlin	Virginia Shaw
Pat Liberman	Ron Enie	Maryellen Jobson
Jannie Stearns (NV)	Ruth Bean	Thomas E. Colgan
Cy Liberman	Lou Bean	John Grimaldi
Gail Rinehart	Frank Akutowicz	Leon Tanzer
	Betty Hahn Cirker	Aaron Hamburger

Presentation by DelMarva Power Representatives - Earl Rentz, Joe Riding & Denise Nelson re: renewing the gas lines in Arden.

The work on Arden's gas lines is part of a 10 year federally regulated program to replace bare steel gas lines. Arden work is scheduled this summer because of its high leakage rate and to coordinate with the planned highway dept. work on Harvey Rd.

All customers will be notified of work dates by mailed card; a letter will be sent to arrange a specific time if workmen need to get into a house. Certain street segments may have to be blocked off for 3-4 hours. Interior meters will be moved outside. Some driveways may have to be broken up with a piercing tool; the areas will be restored. If open holes must be left overnight, they will be covered and barricaded. Mains will be run 2-3 feet behind the road edge. Where possible, 1/2" plastic pipe will be inserted in 3/4" pipe.

Denise Nelson, the project engineer, presented a map of targeted areas.

Discussion:

What if someone is away during the scheduled work time? Please let DP&L know if you plan to be away; contact Joe or Denise (Bill Press has their cards). Try to leave a key with a neighbor.

When will work start? Work is scheduled to run April 13-October 30. They will start on Marsh Rd.

How about shrubbery destruction? Shrubs, bushes and lawns will be replaced.

Please avoid work in the Arden Fair area at least 1 week before the fair.



How long will service be interrupted? Usually 3-4 hours but may be as long as 1 day in some cases.

Regular order of business was resumed at this point.

Minutes of the January meeting were approved without correction.

#### Communications

A recruiting letter was received from the New Castle County Police Dept. Please see the secretary if interested.

Regular order of business was suspended to allow the elections for standing committees and town officials to take place.

#### Nominations

William Busch was nominated for Playground Committee.

#### Registration Committee - Virginia Shaw

There are 396 eligible voters for this Assembly.

The REGistration Committee believes a much more efficient count of the ballots can be made if we work at leisure on Wednesday morning. This is a very difficult task to carry out while the meeting is in session. People get impatient waiting for the results. The six counters are not able to participate in the meeting.

There is a problem in that a tie vote cannot be broken until the next meeting. The charter states that all officers shall serve until a replacement qualifies. In case of an undecided seat the sitting member could continue to serve until the next Town Assembly.

There has been some question about the security of ballots. The ballot box will be sealed just before adjournment and assembly officers will sign the tape.

Registration Committee has the right to conduct its business without consultation, but we don't like to change a standing procedure without discussion.

The count will be held at 10 AM at Virginia Shaw's house. Notices will be posted and all are welcome.

This procedure is planned as a one-time only experiment so we would like to avoid making a motion until we see how it works. We ask an expression of opinion from the Assembly.

#### Discussion

Pro: The disenfranchisement of 6 people is a serious issue overriding the awkwardness of a tie vote.

Con: The issue of the tie vote is important. Asking a defeated person to continue to serve is not realistic. Why not suspend the meeting while the count takes place.

A straw vote was taken and the sense of the meeting was affirmative.

All candidates will be informed by mail and the results posted and reported in the Arden Page.

#### Trustees - Shaul Gladstone

Considerable difficulty has been encountered in attempting to straighten out the county's files with respect to tax payments received from Arden. The County Finance Dept. apparently has massive problems with double payments from over the county because of the great number of re-financings. When these payments occur, there is no way to get them refunded without an ordinance being



passed by County Council.

With respect to Arden's specific problems, most occur because individual leaseholders, through their lawyers, real estate agents, or mortgage companies, have requested that the county send duplicate bills to the mortgage company. We suggest that such requests are counter-productive and have asked the county to attempt to change their computer program to automatically reject such requests. We are also in the process of setting up a system to attempt to monitor errors made by outside agencies so that they can be persuaded to take corrective action.

A financial report dated March 1, 1987, has been distributed. Balance in the bank at that time was \$35,596.99.

It is still unclear what financial aid the county can expect from the State of Delaware, which is awash in money. It is suggested that this Assembly write Gov. Castle urging that, since 80% of state funds come from New Castle County, some reasonable quantity should be returned to said county to make up for loss of Federal Revenue Sharing funds. Without state action, we should expect substantial property tax increases.

#### Discussion:

Moved that the Town Assembly send a communication to the Governor and Joint Finance Committee urging the state to make up for the county's loss in Revenue Sharing Funds.

#### Motion passed

#### Assessors - Cy Liberman

The Board is making some progress in its work. First, it has developed a new and more precise definition of domicile, as used in the Domicile Rule, based on the definition of dwelling unit in the New Castle County Building Code. Second, the board is leaning toward a determination of "full rental value" as defined by the 1980 Board of Assessors, who first defined that term.

Third, we have been discussing factors, including the idea of introducing negative factors for lots bordering on Harvey and Marsh Roads, and we will discuss that further.

We invite residents of Arden to write to the board, in care of any of the seven members, expressing opinions on the use of factors or any other assessment matters. Our next meeting will be held April 21 at 8 PM at the Village Center. Public hearings are scheduled for May 27 and June 2.

#### Buzz Ware Village Center Committee - Aaron Hamburger

Now that the Wilmington Montessori Association has purchased the YMCA land and is conducting a fund raising campaign to finance construction of a building, our committee estimates the association will move out of the Village Center in three to five years. In preparation for that change, the committee is doing two things. First, we are determining the actual costs of operating the building with the new heating system. Secondly, we are thinking about the various options for future use of the building. We would be glad to receive suggestions from residents of Arden on ways the building could be used, keeping in mind that the bare costs of keeping the building in service--heat, electric power and custodial care--will surely be over \$1,000 a month.

We previously reported receipt of a Bicentennial grant from the state, matched by town funds. We used the money for insulation and for roofing repairs. However, some of the grant money was



left over. We have received the state's approval that money for exterior painting and repair of screens. That work will be done this spring.

The building was used for meetings and other activities on 20 occasions in the past three months. This included the 3 sessions at which 10 adults and 20 children made gifts to raise funds for the Sunshine Foundation and then sold them and various donated items for a total of \$300 to help terminally ill and handicapped children. On April 4 and 11 the Arden Community Recreation Association will work at the center to make Easter baskets for patients at Longwood Villa and will deliver them on April 18 after the Easter Egg Hunt. Adults interested in assisting are welcome.

We are planning to sponsor an art program for children on Saturdays in October. This will be for children of the Arden communities in the 4th, 5th, and 6th grades. Also, a piano instruction class for women 30 and over, to be taught by Gladys Morris, is being arranged. It would meet on Saturday or Sunday afternoons starting in June.

#### Discussion:

Will WMA remove the modules when they leave? That's our option, WMA must restore the area to its original condition if we wish that. The \$1,000 upkeep refers only to the base building. The committee will develop an upkeep estimate for the modules as well.

#### Civic Committee - Gail Rinehart

We have re-let the garbage contract with Laxton Enterprises for \$39,000.

The annual town-wide trash clean-up scheduled for Saturday, May 2 (later changed to 4/25). Notices will be sent out as the date approaches.

Something a bit unusual - Gene had a phone call from one of our contractors last week - Martin Williams, the man whose people did our tree work in the Fall. He has just returned to work and heard we were a little unhappy. The upshot is that he will be sending us a refund of \$600. Needless to say, we appreciate Mr. Williams' concern and consideration.

Jim Badner has repaired the split-rail fencing on the Stile. It looks quite nice.

A reminder to residents that it is helpful to us if right-of-ways are cleaned up during one's spring yard clean-up. However, please do not burn the stuff in the gutter.

The committee will be taking its annual walking tour of the roads, etc. on Saturday, April 18. Please call Gene Shaw if you have a particular concern or item we should check-out.

Meadow Lane update. If you remember, we had scheduled a meeting at the lawyer's office with Mr. Hitchens on January 22. That was snowed out. The purpose of the meeting was to point out to Mr. Hitchens that he held a bad deed. We would go to DOT to have his permit revoked for 2 reasons:

- 1) DOT does not have the authority to issue a permit on Meadow Lane & 2) the permit was given on the basis of the bad deed & 3) explain the process of gaining access from the town if he wished to try to do so. We were repeatedly unable to reschedule the meeting with Mr. Hitchens.



On February 10 we received a letter from DOT. The permit was revoked in its entirety - copy sent to Mr. Hitchens.

On February 19 I called Kevin - still no contact with Mr. Hitchens. I told Kevin we will be blocking the access again (4th time). Kevin prepared a letter to Mr. Hitchens which I held up so it could be reviewed at the March 21 Advisory meeting. The letter basically said 1) we could not understand why Hitchens had not returned our calls 2) reminded him the permit had been revoked and 3) informed him that the town would not consider any discussion until the deed was corrected and recorded 4) if he was not going to correct the deed we may choose to go to court to prevent any future transfer of the bad deed because the deed also relates to lot #4 and we do not want to go through this problem again.

Ultimately, this letter was not sent.

On Wednesday, March 11, I received a phone call at school from an alert neighbor to whom I would like to give public thanks without specifically identifying. I came home - Gene took pictures of the access in use (although the house itself was being brought in from Harvey Rd.). I called Kevin and asked him what he wanted us to do. Mr. Hitchens arrived. We set a meeting with Mr. Hitchens for Monday, March 16. The meeting did take place. Point discussed: 1) The deed - Mr. Hitchens says he is in the process of correcting it and will send us a good and recorded deed. 2) The process Mr. Hitchens would need to follow if he chose to come to the Town Assembly and request a permit for access to Meadow Lane 3) Our suggestion that he would have better luck with DOT - Shaul offered to go with him 4) Mr. Hitchens was invited to come to this meeting if he wanted. Apparently he has chosen not to come.

That is a summary to date - we are in a wait and see period.

#### Discussion:

The committee, and particularly Gail, was congratulated for a fine job on the Meadow Lane access problem.

#### Community Planning - Frank Akutowicz

The woods clean-up day is Saturday, April 25, 9 AM-noon. Volunteers equipped with collection bags are requested to report to the Naamans Creek at Marsh Rd. and work their way downstream to Indian Circle. Once again, Ardentown will join us. Their group will start near the B&O tracks and work upstream. Refreshments afterward at Cookie and Ed Kelley's.

The report entitled "Arden Trash" is complete. We are waiting for comments from Mr. Vasuki, General Manager of the Delaware Solid Waste Authority, before releasing it. A 2 page summary for town-wide distribution will go out with the April Arden Page. The report itself is rather long, 19 pages of text, and if we include 6 or 8 exhibits, longer still. Committee funds are insufficient for full scale distribution but we can assure a copy to every person who wants one. Give your name to a committee member for a copy.

The report doesn't make any recommendations. It explores numerous variations of the concept of recycling and tries to relate them pro and con to our situation here in Arden and in Delaware. It is designed to encourage thinking about trash and to make it an open issue for debate and discussion.



The contract for Harvey Rd. paving and shoulders has been let. I have had a telephone conversation with the supervising engineer who will call back within the next 2 weeks to set a date for a first reconnaissance of the road with an Ad Hoc Harvey Rd. committee which hasn't been formed yet. The engineer, Mr. Ray Petrucci, seemed quite taken with the idea of working with a single small committee instead of 2 dozen individual leaseholders.

At our first meeting we will give the engineer a copy of the consensus recommendations approved by the Town Assembly at the June 1985 meeting. These recommendations have defined the project ever since that time.

The main function of the committee is to publicize the project up and down the road so as to minimize rumors, misunderstandings, and any other possible frictions. The committee of volunteers can only carry information between the construction people and the individual leaseholders and so promote negotiated agreements if the need arises. In all likelihood no such need will arise and the committee will merely stand by in reserve. The committee already has volunteer publicity services ready to go into action. We plan to include information on the project in each issue of the Page right through the construction period. After that, the committee will disband.

Mr. Petrucci said actual work would probably be in July/August but he wants our committee input much sooner, preferably at his first meeting with us.

The volunteer committee already has 2 members, myself and John Demsey, and the Civic Committee will designate a third member. We want the explicit approval and backing of the Town Assembly for the Ad Hoc Harvey Rd. Committee so that the committee's mandate comes directly from the Assembly. All town guidelines are being observed. They will be using a 4" thick porous top layer on the road and shoulders.

<sup>activity</sup>  
Moved and Amended: The Town Assembly approves of the formation and proposed of the AD Hoc Harvey Rd. Committee as outlined in the March 1987 town meeting. The committee shall consist of no more than 5 members all to be appointed by the Town Assembly Chairman.

Motion passed unanimously.

The NCC Conservation District, which includes Arden, has an erosion & sediment control program which might be of interest to the Assembly or the Civic Committee. The CD provides free technical survey & recommendations for small erosion sites, and provides truck loads of suitable rip-rap on a 50-50 cost sharing basis, with the first 15 tons free. Instruction in proper placement of the stones is also free. No actual construction or supervision is provided. Arden has numerous eroding ditches in the forests at the exits to each street drain. Also, our forest pathways are seriously eroded in places. Protecting such areas would very likely qualify for a CD program. Call Dick Askins in Glasgow, 834-3533.

Steve Tanzer reported that the Council of Civic Organizations supports the Cecil/Justice ordinance to tie land development to sufficient road capacity. They are also developing legislation to abolish the use-variance procedure, feeling that this is de facto rezoning and should go through the zoning board.



Playground committee - Larry Walker

During the first quarter of this year, the required playground equipment inspections were made. Repairs were made as required and additional root mulch was added under the swings and jungle gyms on both greens. The equipment is in good condition and only is in need of some painting.

The two horses in the Tot Lot at the north end of the Village Green are in need of repainting and the Playground Committee is looking for someone with artistic skills to repaint both pieces. The committee will provide all necessary materials and equipment. If you are interested, please contact a Playground Committee member.

Safety Committee - No ReportAd Hoc Committee - Virginia Shaw

Moved that the village establish a Legislative Reference Committee composed of 3 members whose function is to be familiar with the various governing documents of the Village of Arden and Roberts Rules of Order and to cover all Town Meetings should the need for consultation on proper procedures be warranted. The Chairman of this committee shall be a member of the Advisory Committee. The role of the committee is not to interfere with or usurp the powers of the Town Chairman or various committee chairmen, but to make necessary information quickly accessible to them. These 3 people shall be appointed for a term of 1 year. At the close of this experimental year the Legislative Reference Committee shall submit proposals to the Town Assembly on a motion to establish a standing Legislative Reference Committee

Motion Passed.

Resolved that it will be beneficial to the Village to have the basic law of the village and pertinent court decisions indexed and eventually abstracted in order to make this material quickly available to town officers and others interested in Arden history, government and precedent.

Moved that the Records Examiner, with such assistance as may prove necessary, be authorized to proceed with the project as promptly as possible.

Motion Passed.OLD BUSINESS

Tabled Motion: No person or persons while serving as a Trustee of the Village of Arden shall accept nomination as a voting member of any elected committee or as a salaried employee of the Village.

Discussion:

Pro: It's important to prevent problems before they happen. We need a system of checks and balances. Trustees will not always do what the town wants. Trustees are always available to consult with any committee. Not using Trustees on committees opens up more spots for others. A Trustee should

not hold a paid position with the town, that's a conflict of interest.

Con: This is a non-problem. The Trustees are often valuable committee members. This motion takes away the Town Assembly's right to choose committee members. The Town Assembly has no right to change Delaware law, we would have to change the town charter which specifies that any resident is eligible to serve on a committee. What is a conflict of interest? This is a broad-based issue and should be explored and defined.

Motion Defeated - 15 Aye, 28 Nay.

#### NEW BUSINESS

Moved that the Town Assembly Chairman either charge an existing committee or form a new committee to develop a plan of expediting the ballot counting process for town committee elections.

Discussion: This should be up to the Registration Committee.  
How about using a computer?

Motion Passed.

Moved that Arden go on records as being opposed to the counter-revolutions in Central America.

Discussion: It is inappropriate to pass a motion speaking for the whole town when the majority of residents are not aware of it. The motion should have been included on the meeting notice.

Motion tabled until the June meeting.

#### GOOD AND WELFARE

When are the Trustees going to choose a third Trustee?

The death of Charles Petit, Ardentown Trustee, was noted with sorrow.

Formal thanks were extended to Barbara Fenske for her years of good service as editor of the Arden Page (along with birthday greetings).

The secretary was instructed to send a letter of condolence to the Renzetti boys on the death of their mother, Patty.

Meeting Adjourned - 10:06 PM.